

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

CARL MONROE,

Plaintiff,

vs.

REID LAYNE STEINFELD,

Defendant.

Case No: C 11-2726 SBA

**ORDER DENYING PLAINTIFF'S  
MOTION FOR  
RECONSIDERATION; and ORDER  
OF REFERENCE**

Dkt. 13, 17, 19 and 20

The Court previously referred Plaintiff's motion for default judgment to the Chief Magistrate Judge or her designee for preparation of a report and recommendation. Dkt. 14. On November 28, 2011, Magistrate Judge Ryu recommended denying the motion for default judgment. Dkt. 17. Plaintiff did not object to the report and recommendation, and the time for doing so has now passed. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(a); N.D. Civ. L.R. 72-2.

On December 16, 2011, Plaintiff filed an Amended Complaint, Dkt. 18, and shortly thereafter, filed a motion for reconsideration of Magistrate Judge Ryu's report and recommendation, Dkt. 19. In addition, Plaintiff has requested that the Court continue the Case Management Conference scheduled for January 12, 2012 pending resolution of his motion for default judgment and motion for reconsideration.

Plaintiff's motion for reconsideration is improper. Before filing such a motion, a party must first seek leave to file a motion for reconsideration in accordance with Civil Local Rule 7-9. Since leave to file a motion for reconsideration was neither sought nor

1 granted, Plaintiff's motion for reconsideration is subject to denial. Grove v. Wells Fargo  
2 Fin. Cal., Inc., 606 F.3d 577, 582 (9th Cir. 2010) (upholding district court's denial of  
3 motion to tax costs which was not in compliance with the court's local rules). In any event,  
4 given Plaintiff's decision to file an Amended Complaint, the appropriate course of action  
5 was for him to have filed a renewed motion for default judgment, not a motion for  
6 reconsideration. Accordingly,

7 IT IS HEREBY ORDERED THAT:

8 1. Plaintiff's motion for reconsideration is DENIED.

9 2. Magistrate Judge Ryu's report and recommendation issued on November 28,  
10 2011 shall become the Order of this Court. Plaintiff's motion for default judgment is  
11 therefore DENIED.

12 3. Plaintiff is granted leave to file a renewed motion for default judgment, which  
13 is REFERRED to Magistrate Judge Ryu for preparation of a report and recommendation.  
14 Plaintiff shall file his renewed motion within seven (7) days of the date this Order is filed.

15 4. Plaintiff's request to continue the Case Management Conference scheduled  
16 for January 12, 2012 is GRANTED. The telephonic Case Management Conference  
17 scheduled for January 12, 2012 is CONTINUED to **March 29, 2012 at 3:15 p.m.** Prior to  
18 the date scheduled for the conference, the parties shall meet and confer and prepare a joint  
19 Case Management Conference Statement. Plaintiff is responsible for filing joint statement  
20 no less than seven (7) days prior to the conference date. The joint statement shall comply  
21 with the Standing Order for All Judges of the Northern District of California and the  
22 Standing Orders of this Court. Plaintiff is responsible for setting up the conference call,  
23 and on the specified date and time, shall call (510) 637-3559 with all parties on the line.

24 5. This Order terminates Docket 13, 17, 19 and 20.

25 IT IS SO ORDERED.

26 Dated: January 10, 2012

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SAUNDRA BROWN ARMSTRONG  
United States District Judge